

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

08CV176-GMS

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May 12, 2008

William T. Walsh, Clerk
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street, 4th Floor
Newark, NJ 07102

Re: MDL No. 1938 -- IN RE: Vytarin/zetia Marketing, Sales Practices And Products Liability Litigation

(See Attached CTO-1)

Dear Mr. Walsh:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on April 24, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Denise Morgan Stone
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Dennis M. Cavanaugh
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

FILED
FOR U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
MAY 15 PM 4:37

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 12 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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APR 24 2008

FILED
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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1938

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffrey M. Luthi
Clerk of the Panel

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
ALABAMA NORTHERN ALN 1 08-279 ALN 2 08-134	Thomas L. Sizemore v. Merck & Co., Inc., et al. Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
ARKANSAS EASTERN ARE 4 08-86 ARE 5 08-42	John H. Stanley, Jr. v. Merck & Co., Inc., et al. Juanita Sloan v. Merck & Co., Inc., et al.
ARIZONA AZ 2 08-360	Robert S. Levin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
CALIFORNIA CENTRAL CAC 2 08-1038 CAC 2 08-1499	Glenda Morgan v. Merck & Co., Inc., et al. Ronald Dossey v. Merck & Co., Inc., et al.
CALIFORNIA EASTERN CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
CALIFORNIA NORTHERN CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
DELAWARE DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
FLORIDA MIDDLE FLM 6 08-153 FLM 6 08-178	Alma Hooks, et al. v. Merck & Co., Inc., et al. Stephen Greenwell v. Merck & Co., Inc., et al.
FLORIDA NORTHERN FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
GEORGIA NORTHERN GAN 1 08-309 GAN 1 08-417	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al. Gregory Flynn v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSOURI WESTERN	
MOW 2 08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4 08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4 08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4 08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4 08-187	Wei Chan v. Merck & Co., Inc., et al.
MOW 6 08-3119	John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
MISSISSIPPI SOUTHERN	
MSS 2 08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5 08-10	Roy Davis v. Merck & Co., Inc., et al.
MONTANA	
MT 6 08-18	Janet Lamping v. Merck & Co., Inc., et al.
NORTH CAROLINA WESTERN	
NCW 3 08-66	Susan Bodnar v. Merck & Co., Inc., et al.
NEBRASKA	
NE 8 08-147	Robert Stanley v. Merck & Co., Inc., et al.
NEW MEXICO	
NM 6 08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
NEVADA	
NV 3 08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
NEW YORK EASTERN	
NYE 2 08-344	Andrew Schwaeber v. Merck & Co., Inc., et al.
OKLAHOMA EASTERN	
OKE 6 08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
PUERTO RICO	
PR 3 08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
SOUTH CAROLINA	
SC 0 08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3 08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.
TENNESSEE EASTERN	
TNE 1 08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
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**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

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**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

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1. **Introduction**
 2. **Background**
 3. **Methodology**
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